

701 KAR 5:140. Districts of innovation.

RELATES TO: KRS 156.108, 156.160(1)(g), 160.107

STATUTORY AUTHORITY: KRS 156.108, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1)(g) gives the Kentucky Board of Education the authority to promulgate administrative regulations and KRS 156.108 requires the Kentucky Board of Education to promulgate administrative regulations to prescribe the conditions and procedures to be used by a local board of education to be approved as a district of innovation by the Kentucky Board of Education. This administrative regulation establishes the requirements and approval process for districts of innovation.

Section 1. Definitions. (1) "Competency based learning" means a framework for the awarding of credit to students upon mastery of Kentucky's Core Academic Standards in 704 KAR 3:303 or upon mastery of any additional competencies which shall also include explicit, measurable, transferable learning objectives that empower students and that include application and creation of knowledge along with the development of important skills and dispositions.

(2) "District of Innovation" is defined in KRS 156.108(1)(a).

(3) "Eligible employees" is defined in KRS 160.107(3)(b).

(4) "Expanded learning opportunities" means initiatives that provide students additional opportunities for enrichment, personal growth, and engagement outside the traditional school day, and that may include extended day or year initiatives, before- and after-school programs, Saturday, weekend, and summer programs, distance learning, and early childhood education initiatives.

(5) "Innovation" is defined in KRS 156.108(1)(b).

(6) "Innovative strategies" means strategies that provide non-traditional approaches to all areas of curriculum, instruction, assessment, governance, and school operation.

(7) "School of Innovation" is defined in KRS 156.108(1)(c).

Section 2. Conditions and Areas of Emphasis for Innovation. (1) Any public school district may submit an application for approval as a district of innovation in accordance with the application process established in Section 3 of this administrative regulation. An individual school shall not submit an application except as part of a district application.

(2) A district may incorporate in its application any innovative strategies and models that have been shown to be effective in other districts or states or new innovative strategies or models created by the district or school. Innovative strategies may include:

(a) Moving to a competency based learning system, including development of alternate methods for delivering curriculum or for measuring mastery of standards and skills;

(b) Creating multiple pathways to graduation, including rigorous career and technical pathways, apprenticeships, early college high schools, early graduation options, or digital learning opportunities;

(c) Rethinking the times and places that learning occurs, including lengthening or flexing the school day or school year, moving learning beyond the traditional school building, or incorporating expanded learning opportunities;

(d) Implementing alternative forms of school governance that include the engagement of teachers, parents, and community members and that does not meet the requirements of KRS 160.345;

(e) Designing learning environments that include the student in the design of learning pathways; or

(f) Creating additional job classifications for certified or classified staff beyond the traditional roles of teacher and instructional assistants and compensating staff on schedules other than single salary schedules.

Section 3. Application Process. (1) A district may submit an original or renewal District of Innovation Application to the department at any time within the calendar year. Each implementation of an approved application shall begin at the start of a school term and at least 180 days from the date of submission of the application.

(2) Pursuant to KRS 160.107(3), a district shall identify and include in its application those schools that have voluntarily chosen to be schools of innovation, any persistently low-achieving schools that the district chooses to make schools of innovation, and any district operated schools per KRS 160.345(1)(b) the district plans to create in its application.

(3) The department shall provide technical assistance to districts prior to application submission.

(4) The application shall include the following components:

(a) An individual school level plan for each school included in the district's innovation plan and for any district-operated school the district plans to create under the application;

(b) A description of how the district's innovation plan will provide greater improvement in student outcomes, particularly among low-achieving students, than the outcomes the district would expect using its existing instructional programs. The plan shall specifically address how it more effectively improves the multiple measures required under the accountability system, including targets for student achievement, student growth, achievement gap reduction, graduation rate, and college and career readiness;

(c) A description of the district's plan to ensure that capacity exists in both human and fiscal resources to implement the changes needed in the district to ensure a successful implementation of the district's innovation plan;

(d) A description of the district's attendance policy for non-traditional settings and the district's plan to ensure that all students meet attendance requirements;

(e) A plan for developing alternate assessment options and measuring student performance outcomes in non-traditional settings including extended learning opportunities, apprenticeships, private instruction, work-study, study in a foreign country, awarding of competency based learning credit, community service, independent study, or on-line learning opportunities;

(f) A description and rationale for the innovative strategies and models chosen to be implemented;

(g) A list of the statutes, administrative regulations, and local board policies from which the local district is seeking a waiver or exemption in order to implement innovative strategies and an explanation of how the requirements of those authorities are a barrier to that implementation;

(h) Documentation of broad support for innovations including educators, parents, local institutions of higher education, and business and community partners. This documentation shall include:

1. Minutes of local board of education meetings at which the District of Innovation Application was discussed;

2. Transcripts or minutes from stakeholder meetings designed specifically to develop or support the District of Innovation Application;

3. Minutes of school-based decision making (SBDM) councils that include information showing an affirmative vote of at least seventy (70) percent of the eligible employees to participate in the application as well as discussion of the application itself. The vote of the eligible employees shall be conducted based on school council policy related to council elections per KRS 160.345;

4. Letters of support and commitment to adhere to the innovation plan from a variety of local stakeholder groups including parent, community, and business groups; and

5. If the application contains a request for waiver of sections of KRS 160.345, evidence of the two (2) votes required by KRS 160.107(4)(b) for each school requesting the waiver, specifying the vote from the school-based decision making council and the vote from the teachers and staff in the school;

- (i) A detailed budget indicating how the local board of education shall support implementation of the innovation plan over the course of the initial five (5) year innovation period;

- (j) Signatures of the superintendent and board chair along with official board minutes documenting the vote to approve submission of the application;

- (k) Signatures of the chair of the SBDM council for each school participating in the application;

- (l) A description of how the district shall support job-embedded professional learning; and

- (m) For each school in the plan that is requesting a waiver of the school council structure outlined in KRS 160.345, a description of the governance model to be used in the school. The new governance model shall ensure that teachers, parents, and staff continue to share leadership responsibilities as outlined in KRS 160.107(4)(d).

- (5)(a) A committee designated by the commissioner shall review and recommend approval or denial of a completed application to the Kentucky Board of Education within sixty (60) days from receipt of the completed application based on use of the District of Innovation Application Scoring Rubric.

- (b) An incomplete or denied application shall be returned to the district and, if re-submitted, the committee shall review and recommend approval or denial to the Kentucky Board of Education within sixty (60) days of receipt of the re-submitted application.

- (6)(a) The Kentucky Board of Education shall make the final decision on approval or denial of the application at its first regularly scheduled meeting following the committee's review of the application and recommendations based on the District of Innovation Application Scoring Rubric.

- (b) A successful application shall be given an initial approval for five (5) years.

(c) A district that is approved and whose application is still active after five (5) years may submit a renewal application using the application process established in this administrative regulation. Each renewal of a district of innovation shall not exceed five (5) years.

(7)(a) A district approved as a District of Innovation may amend its plan as needed at any time by submitting a written amendment request to the department.

(b) The amendment request shall contain the following:

1. The description of the amendment and a justification for the request;

2. How the proposed amendment improves the application's opportunities to be successful; and

3. All appropriate evidence that the amendment affecting an individual school of innovation was supported in a manner similar to that established in subsection (4)(h) of this section.

(c) The amended plan shall be referred to the committee designated pursuant to subsection (5) of this section. The committee shall review the amendment request and make a determination for approval within sixty (60) days of the amendment submission.

Section 4. Monitoring of Plan Implementation. (1) District and school innovation plans shall:

(a) Be incorporated within the overall district comprehensive plan; or

(b) Replace the district comprehensive plan.

(2) At the completion of the second year after plan approval and each year thereafter for the term of the approval status, a district approved as a District of Innovation shall annually provide data to the commissioner that shall include the following:

(a) Number of students served by the innovation plan, total number and by socio-economic status, race or ethnicity, gender, disability, and grade level;

(b) Number of students served by the innovation plan not on track to graduate from high school, total number and by socio-economic status, race or ethnicity, gender, disability, and grade level;

(c) Documentation of student progress toward graduation and college and career readiness;

(d) Total number of certified teachers participating in the innovation plan and their roles and responsibilities;

(e) Documentation of certified and classified staff operating in a non-traditional school environment;

(f) Documentation of any extended learning opportunities in which students in the school of innovation participate for the purposes of earning or recovering credit, including qualifications of instructors, time spent, and student outcomes; and

(g) Other measurable outcomes specific to the district's innovation plan as described in the initial application or through modification of the original plan.

(3) At the end of the second year after plan approval and each year thereafter for the term of the approval status, a district approved as a District of Innovation shall receive an annual site visit from a review team selected and trained by the department. The purpose of the visit shall be to monitor progress and interview staff and students to collect qualitative data on the effect of the innovation plan and for future research needs.

Section 5. Probation, Revocation, and Appeal Procedures. (1) After its annual review of a district's implementation report and the report of the site visit team, the Kentucky Board of Education may, on the anniversary of the application approval, determine that a district shall be placed on probation and shall provide the district with a corrective action plan.

(2) Upon the subsequent year's review of the reports, if the Kentucky Board of Education does not believe the district has met the expectations of the corrective action plan, it may revoke a district's approval as a District of Innovation.

(3) Upon notification of probation or revocation of District of Innovation status, the Kentucky Board of Education shall give the district thirty (30) days to appeal the decision in writing and shall rule on the appeal at its next regularly scheduled meeting following the submission of the appeal.

(4) Any district that has had its status as a District of Innovation revoked shall wait one (1) calendar year before re-applying to be a District of Innovation.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "District of Innovation Application", March 2013; and

(b) "District of Innovation Application Scoring Rubric", March 2013.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, Division of Innovation and Partner Engagement, 1st floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. (39 Ky.R. 1345; 1889; 2023; eff. 5-3-2013.)